

Please Note: Names of all applicants for appointive positions may be made public.

PLANNING COMMISSION RULES AND REGULATIONS DOUGLAS COUNTY, NEVADA

PREAMBLE

The Planning Commission of Douglas County creates these rules pursuant to provisions of the Nevada Revised Statutes and the Douglas County Code.

1. RULES OF JOURNAL

1.1 The Planning Commission shall determine its own rules, order of business, and conduct of public meetings. The Planning Commission adopts Robert's Rules of Order ("Roberts") to the extent that Roberts is consistent with these rules and regulations.

2. ELECTION OF OFFICERS; POWERS AND DUTIES

- 2.1 The Planning Commission shall at its first regular meeting in February elect from its membership a Chairman and Vice-Chairman and each shall serve for a term of one year, with the Chairman eligible for re-election to one additional consecutive term.
- 2.2 The Chairman is responsible for presiding over the Planning Commission meetings, for placing items on the agenda as may be requested by the Planning Commission and public, and reviewing the draft agenda. He/she shall exercise general supervision over the business, papers, and property of the Commission and shall execute all formal documents on behalf of the Commission.
- 2.3 The Vice-Chairman acts as Chairman in his/her absence.
- 2.4 In absence of both the Chairman and Vice-Chairman, the quorum present shall appoint a Chairman Pro-tempore by majority vote.

3. MEETINGS, STUDY SESSIONS, AGENDAS AND STAFF REPORTS

3.1 Regular Meetings:

Regular meetings of the Planning Commission shall be held on the second Tuesday of each calendar month. If the regular meeting date falls on a holiday, the meeting then shall be held on the next business day (Section 2.06.050 Douglas County Code) at a time agreed upon by the majority of the Planning Commission. All regular meetings of the Planning Commission will be called to order at 1:00 p.m., unless advertised otherwise, canceled or rescheduled. The Commission will generally adjourn its meetings at 5:00 p.m., with any unfinished business being continued to the next regular meeting. The Recording Secretary, or his or her designee, will post notice of any continued hearing or other unfinished business, as may be required by law.

3.2 Special Meetings:

An emergency or special meeting may be called at any time by the Chairman of the Planning Commission, or by a majority of its membership. Written notice shall be provided pursuant to the provisions of the Nevada Revised Statutes. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting.

3.3 Study Sessions:

The Planning Commission may hold a study session as part of a regular or special meeting. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chairman. Public notice for study sessions on specific matters for which public hearings are anticipated in the future will be given in the same manner as that required for public hearings, and a record of the study session shall be entered into the minutes of any such future public hearings so that the hearing records will indicate whether any information received at the study sessions was taken into consideration as evidence at the subsequent public hearings.

3.4 Open and Closed Sessions:

Except as otherwise provided in this Resolution, all meetings of the Planning Commission shall be open and public, and all persons shall be permitted to attend. The Planning Commission may hold a closed session during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by state law to hear or consider in closed session.

3.5 Quorum:

A quorum shall consist of four Planning Commissioners; however, excepting those actions where the minimum number of affirmative votes is specifically set forth in the Nevada Revised Statutes or the Douglas County Code.

3.6 Agendas:

The Planning Manager shall prepare and mail the Planning Commission agenda. At least 10 days prior to a regular meeting, copies of the Planning Commission agenda shall be posted and/or published in accordance with the Nevada Revised Statutes. Any individual Planning Commissioner may place items on the agenda provided that the request is made prior to the agenda review meeting. At the Chairman's discretion the item or items may be postponed, but no later than the next regular meeting of the Planning Commission. In accordance with Nevada Revised Statutes, the Planning Commission may not take action on any item that did not appear on the posted agenda. The Chairman may rearrange the order of presentation of items

appearing on the agenda as he or she may deem necessary or desirable for the conduct of the meeting. No person shall be entitled to rely upon the order in which public hearing items appear on the posted agenda, and any public hearing on any agenda may commence immediately upon the time the meeting is called to order.

3.7 Staff Reports:

When planning staff reports exist, they shall be made public before or at the beginning of any hearing or meeting. Staff reports shall be prepared with recommendations and the basis for recommendations, and included in the hearing record on any application. Reports or recommendations on applications/requests shall be provided in writing and shall be served on the applicant at least three (3) days before any hearing or action on the project by the Planning Commission.

4. **ETHICS AND GENERAL RESPONSIBILITIES OF PLANNING COMMISSIONERS**

4.1 Conflict of Interest:

- a. Planning Commissioners shall comply with state and county regulations related to conflict of interest.
- b. No Planning Commissioner shall participate in, take action, cast a vote, or lobby other Planning Commissioners in relation to any project or proposal before the Planning Commission that relates to a property, business, or other venture in which a Planning Commissioner has a financial or vested interest.
- c. It shall be the policy of the Planning Commission that the appearance of a conflict of interest is as prejudicial in nature for the credibility of the Planning Commission as an actual conflict of interest. Planning Commissioners, on behalf of the good of the Planning Commission and to maintain its public credibility, shall utilize discretion and judgment and should disclose any appearance of conflict. If a Planning Commissioner is uncertain as to the merit of a possible conflict of interest, he/she should consult with the District Attorney.

4.2 Discretion:

Planning Commissioners shall be discreet in the discussion of pending matters outside of the meeting forum. No commitments or prejudicial comments shall be made prior to a public hearing in advance of any official action.

4.3 Agenda Items and On-Site Inspections:

Commissioners may find it helpful to physically inspect properties involved in the agenda items, and this can be accomplished by an individual Planning Commissioner at their convenience. However, when an applicant arranges for a tour of the property in question in order to clarify

potential issues pertaining to their application, it is strongly recommended that two or three Planning Commissioners attend jointly.

4.4 Violations of Planning Regulations:

No Planning Commissioners shall intentionally set forth to participate in, be party to, or cause to take place any land use action which is in violations of the codes over which the Planning Commission is the administrator. Such intentional action shall be grounds for the Planning Commission to request the Board of County Commissioners to consider removal of that Planning Commissioner.

4.5 Representations in Public:

At public and private functions at which a Planning Commissioner is present as an individual, each Planning Commissioner shall be careful to indicate when he/she is representing the Planning Commission or acting as a private citizen. Unless specifically directed by the Chairman to be a representative of the Planning Commission, members should resist speaking on the Planning Commission's behalf.

4.6 Gifts and Gratuities:

Planning Commissioners should not accept any gifts from applicants, representatives of applicants, or other persons, institutions, associations, or organizations concerned with matters which have either been or are before the Planning Commission. Even a well intentioned and innocent action has the appearance of a conflict of interest.

4.7 Attendance and Preparation:

Planning Commissioners shall make a diligent effort to attend all meetings, and be properly prepared to discuss the issues calendared for the meeting. Planning Commissioners shall also inform themselves concerning the laws, ordinances, regulations, and policies related to areas under its jurisdiction.

5. PRESENTATION OF AGENDA ITEMS

5.1 Minutes and Recording:

Hearings on matters before the Planning Commission will generally be recorded by electronic device and preserved for public inspection for at least a one year period. A copy of any such recording may be purchased at its reproduction cost. When a matter is contested and a request is made in writing to the Planning Manager before the date of the hearing, the contested matter will be recorded by electronic device and duly preserved. A copy of any such recording may be purchased at its reproduction cost.

Minutes of all meetings will be formally submitted to the Planning Commission for approval. The minutes shall accurately reflect the business conducted at the meeting, and shall also include a record of those Planning Commissioners in attendance. Corrections to the minutes by any Planning Commission member will be limited to typographical errors or other errors or corrections as may be determined by listening to the recording. Unless it is decided otherwise by the Chairman, the approval for previous meetings shall precede the regular order of business.

5.2 Order of Presentation:

Unless the Chairman in his or her discretion directs otherwise, the order for presentation shall be as follows:

- (a) Presentation of staff report, including staffs' recommendation.
- (b) Questions of staff by members of the Planning Commission.
- (c) Public hearing opened.
- (d) Presentations of persons in favor of or in opposition to the requested action.
- (e) Presentation of the applicant or appellant.
- (f) Closing comments by staff.
- (g) Public hearing closed.

Public hearings may be reopened at any time during the meeting to permit additional testimony and evidence, either to permit reconsideration of an action or for any other reason.

5.3 Rules of Evidence:

Hearings and meetings before the Planning Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. The Chairman may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. All evidentiary objections must be made in a timely fashion before the Planning Commission unless the Chairman, in consultation with the District Attorney, determines to allow the objection.

5.4 Burden of Proof:

The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

5.5 Oral Evidence, Time Limits, and Number of Speakers:

Any person desiring to speak must first be recognized by the Chairperson. All comments must be made clearly and audibly, and all speakers must first state their full names and disclose on whose behalf, if other than themselves, they are appearing. In order to expedite the conduct of hearings, the Chairman may limit the amount of time which a person other than the applicant or appellant may use in addressing the Planning Commission. The Chairman may also limit the number of speakers or amount of testimony upon a particular issue in order to avoid repetitious and cumulative comments. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to speak have had an opportunity to do so, and then only at the discretion of the Chairman.

5.6 Questioning of Speakers:

Any person other than a Planning Commission member desiring to direct a question to a speaker or staff member shall submit the question to the Chairman, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker or staff members. Direct questioning of speakers or staff members may be allowed in extraordinary circumstances, at the discretion of the Chairman.

5.7 District Attorney:

Any member of the Planning Commission may request the District Attorney or his or her deputy to explain the legal principles and standards pertinent to the Planning Commissions' action on a particular matter. The District Attorney or his or her deputy may further advise the Chairman on matters of evidence and procedure which may arise, including, but not limited to, the desirability of closed sessions to discuss pending or potential litigation.

6. MOTIONS

6.1 Motions - Second:

Action upon an order, resolution, ordinance or any other action of the Planning Commission may be proposed by any member by a motion. The Chairman may make a motion only after all other members of the Planning Commission present have had an opportunity to make a motion on the question. Before a motion can be considered or debated it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion is lost for lack of second and shall be so declared by the Chairman.

6.2 Amendment of Motion or Substitute Motion:

A motion on the floor may be amended at any time before adoption or rejection. When an amendment is offered, the Planning Commission will debate and take action on the amendment before acting on the original motion. If the amendment is not adopted, the original motion will then be considered. If the amendment is adopted, the original motion as amended will then be considered.

6.3 Withdrawal of Motion or Second:

A motion may be withdrawn by the maker at any time before adoption or rejection, with consent of the second. A second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion. The motion will then be lost for lack of a second and so declared by the Chairman unless seconded by another person.

6.4 Tabling a Motion:

At any time after a motion has been seconded, any member may move to table a motion. If the tabling motion is adopted, the original motion will remain on the floor but may not again be considered at the meeting at which it was made. The original motion will be considered and voted upon at a regular meeting of the Planning Commission, specified in the motion, unless again tabled at that time. If not considered at such meeting, it will be deemed lost. If the tabling motion is not adopted, consideration of the original motion will continue.

6.5 Discussion, Closure, and Question:

After a motion has been seconded, any member may discuss or comment on the subject or the motion. The Chairman will recognize members of the Planning Commission with the desire to speak, beginning with the motion's maker, and will protect each speaker from disturbance or interference. When no member wishes to discuss or comment further, the Chairman will call for a vote on the motion. Any member of the Planning Commission may at any time move to close the debate.

6.6 Motions for Reconsideration:

Motions for reconsideration of a matter may be made by any member who voted with the prevailing majority on the matter to be reconsidered. Any member of the Planning Commission may second a motion to reconsider. Motions to reconsider shall be made in the same meeting as the original motion. If the matter to be reconsidered was considered a public hearing, the public hearing will be reopened before additional evidence is received.

7. DECISION-MAKING

7.1 Voting:

Approval of any motion brought before the Planning Commission shall require the affirmative vote of a majority of the members present, unless otherwise specified by law.

7.1.1 Tie Votes

Any tie vote shall constitute a denial of the motion and may be reconsidered by a motion offered by any member who voted on the matter. If there is no action by an affirmative vote and there are seven Planning Commissioners present, the result is denial. If there is no action by an affirmative vote and there are less than seven Planning Commissioners present, the matter shall be continued to the next regular meeting of the Planning Commission to allow any absent members to vote on the matter. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-maker from which the appeal was taken.

7.1.2 Abstentions

Abstentions shall not count as votes for the purpose of determining whether there has been an affirmative vote of majority of the members present, but shall be counted for the purpose of determining whether a quorum is present. Planning Commissioners desiring to abstain on a question shall do so at the time the agenda item is called, and shall state the reason for the abstention. Upon declaring an abstention, the abstaining member is not allowed to influence the Planning Commission with respect to the item, and shall retire to the general public area during the duration of the agenda item's discussion.

7.1.3 Roll Call

Voting upon a motion may, at the discretion of the Chairman, and shall, upon the request of any member, be by roll call. When voting is not by roll call, the Chairman may, in the absence of objection by any member of the Planning Commission, declare an item to be unanimously approved.

7.1.4 Motions Include Staff Recommendations

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter and any oral staff report presented during the hearing.

7.1.5 Absentees

A Planning Commission member who is absent from any portion of a hearing conducted by the Planning Commission may vote on the matter at the time it is acted upon provided that he or she has listened to a tape recording of the entire portion of the hearing from which he or she was absent, provided that a tape recording exists, and if she or he has

examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

7.2 Findings:

On any matter for which state law or County ordinance requires the preparation of written findings, the staff report submitted on the matter will contain findings proposed for adoption by the Planning Commission. Any motion directly or implicitly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

7.3 Consent Items:

Items that require little or no discussion by the Planning Commission may be considered as consent items. The Planning Commission will act on these items in one motion at the beginning of the meeting. Approval by the Planning Commission of consent items means that the staff recommendation was approved along with the findings and conditions set forth in the staff report. Any member of the Planning Commission, the applicant, or members of the public may request that consent items be considered in their regular order on the agenda.

7.4 Continuances:

Upon a showing of good cause and by request or consent of the applicant, County staff, member of the public, or member of the Planning Commission, the Chairman, at the time set for a hearing on a particular item or after hearing testimony may order the hearing to be continued to a specified date and time. Upon the request of any member of the Planning Commission, continuance decisions shall be made by roll call vote or all members present. At the Chairman's option, if a continuance is granted, the Planning Commission may still accept public testimony.

8. CONSTRUCTION AND EFFECT

8.1 Submittal of Materials With Applications:

8.1.1 It shall be the policy of the Planning Commission that its staff is directed not to schedule a matter before the Commission until such time that staff has determined that all required information has been submitted in a form and manner consistent with the policies of the Commission.

8.1.2 Staff is directed by the Commission that if an applicant who has submitted an incomplete

application insists that the project go before the Commission, staff shall recommend denial on the basis of incomplete information in order to make the required findings to consider approval of the project.

- 8.1.3 The Commission may accept staff's recommendation for denial, or it may elect to continue the matter to a later date in order to receive complete information. If the applicant refuses to provide additional information, the policy of the Commission shall be to deny the project.

8.2 Major Revisions to Projects Occurring Between the Planning Commission Submittal Cut-Off Date and the Date of the Commission Hearing:

- 8.2.1 It shall be the policy of the Planning Commission that if a project applicant makes major change to the scope or content of an application after the closing date for receipt of application materials and prior to the Planning Commission hearing, the Director of Community Development shall request correspondence from the applicant for a continuance of the matter to the following months meeting to adequately review the nature of the revisions.

- a. Any changes proposed by the applicant are to be considered "major" should it result in a change in design, site plan, or supporting documentation, which requires that the materials be recirculated to reviewing agencies or to be re-noticed.
- b. The Director of Community Development shall determine whether the revisions are "major changes to the scope or content of an application" or only the submittal of additional information which satisfies issues or questions raised by a reviewing agency.

- 8.2.2 In the event that an applicant does not agree to a continuance, the Director shall recommend denial, based on inadequate time to review the submitted materials to determine appropriate findings as required by the Douglas County Code.

PASSED AND ADOPTED this 27TH day of JULY, 1995.

REVISED this 9TH day of JUNE, 1998.